

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-214013

DATE: February 14, 1984

MATTER OF: Jonard Industries Corp.

DIGEST:

GAO will not consider protest that government's careless testing of tool samples submitted with bid led to erroneous rejection of bid as not responsive, because protester is ineligible for award even if protest were sustained, firm having been suspended from contracting with procuring agency pending debarment proceedings.

Jonard Industries Corp. protests the rejection of its bids submitted in response to invitations for bids Nos. FEN-EU-A3127-A and -A31210-A issued by the General Services Administration to procure tools for installing and removing electrical connectors. Jonard believes that GSA's rejection of its sample tools submitted with its bids resulted from careless, inaccurate testing, rather than from deficiencies in the samples.

Following the filing of its protest, we have been advised that Jonard has been suspended from contracting with the GSA pending debarment proceedings.

Section 21.1(a) of our Bid Protest Procedures, requires that a protesting party have some legitimate interest in the matter before this Office will consent to consider the protest. Computer Sciences Corporation, B-200755, March 6, 1981, 81-1 CPD 181; Archie D. Parker, B-206078, August 24, 1982, 82-2 CPD 172. Since Jonard is no longer eligible for award, even if its protest were sustained, it is not an interested party.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel